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Helena Public School District No. 1

55 South Rodney Helena, MT 59601 406-447-8521

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Source K. Messinger, Ph.D.
Superintendent

Barbara Ridgway Technology / Information Services

rvices Superinten

 To:
 Federal Communications Commission

 Re::
 APPEAL - Funding Year 2002: 07/01/2002 - 06/30/03

 Date:
 June 9, 2003

Provide your contact information. Please list the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal.

Barbara Ridgway Helena School District No. 1 55 South Rodney Helena, MT 59601 Phone: 406-447-8521 Fax: 406-447-8567

Email: bridgwav@helena.kl2.mf.us

Decision Letter, State outright that your letter is an "appeal."

2. Identify which SLD action you are appealing. Note the title of the document containing the SLD action you are appealing, the relevant Funding Year, and the date of the document. For letters appealing a Funding Commitment Decision Letter, you must include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your Funding Commitment

Funding Commitment Decision Letter
(Funding Year 2002: 97/01/2002 - 06/30/2003)

Date of Letter: October 21, 2002
Applicant Name: Helena Public School District No. 1
Form 471 Application Number: 329699
Funding Year 2002: 07/01/2002 - 06/30/2003)

Billed Entity Number: 135020
Applicant's Form Identifier: Year5-471
Applicant's Form Identifier: Year5-471
Funding Request Numbers: 889835, 889836, 889837.

Jeontify the particular Funding Request Number, whenever applicable, that is the subject of your appeal. For example, in a Funding Commitment Decision Letter (FCDL), the SLD responds to request(s) for service that you included on Form 471 Block 5 Funding Request(s). The Funding Request is featured in the synopsis of the SLD's decision on that Funding Request in your FCDL. If your application was wholly rejected on grounds related to the entire application (e.g., that you represent incligible entities), you need not refer to any Funding Request in your letter of appeal.

Form 471 Application Number: 329699
Funding Request Number: 889835
Services Ordered: Telecommunications Services

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Service Provider Name: Touch America, Inc. FRM references services that require Funding Commitment Decision Explanation: The FRM references services that require

Helena Public School District Appeal

the posting of a 470 for each funding year.

Form 471 Application Number: 329699

Funding Request Number: 889836 Funding Status: Not Funded

Services Ordered: Telecommunications Service

SPIN: 143005231

Service Provider Name: Qwest Corporation

Funding Commitment Decision Explanation: The FRN references services that require

the posting of a 470 for each funding year.

Form 471 Application Number: 329699
Funding Request Number: 889837
Funding Status: Not Funded

Services Ordered: Internet Access

SPIN: 143004951

Service Provider Name: InfoMine of the Rockies, Inc,

Funding Commitment Decision Explanation: The FRN references services that require

the posting of a 470 for each funding year.

Form 471 Application Number: 329699 Funding Request Number: 889838

nding Request Number: 889838 Funding Status: Not Funded

Services Ordered: Telecommunications Service

SPIN: 143000677

Service Provider Name: Verizon Wireless

Funding Commitment Decision Explanation: The FRN references services that require

the posting of a 470 for each funding year.

4. Explain your appeal and include copies of all relevant documentation. When explaining your appeal, include the precise language or text from the SLD decision that is at the heart of your appeal. By pointing to the exact words that give rise to your appeal, the reviewer will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide copies of all documentation you have to support your appeal. For example, you might want to submit copies of postal receipts or you might submit signed statements about the facts of your case from people who have direct knowledge. Be sure to keep copies of your correspondence and documentation.

Language Being Appealed:

Funding Commitment Decision Explanation: The FRN references services that require the posting of a 470 for each funding year.

The Helena Public School District did not file a 470 based on the understanding (directions provided by SLC staff) that if the District had existing contracts a Form 470 was not required. Filing a 470 alerts vendors to potential contract opportunities of which there were none. Subsequent phone conversations with SLC staff confirmed that a 470 was not required if contracts were in existence. These contacts included Jason Johnson, Ali Razza and Dave Simpson. In particular, Ali Razza confirmed that we did not need to file 470. In the case of Qwest he directed the District to contact Qwest and obtain a temporary contract number which was done.

Under Montana law school districts are allowed to extend existing contracts for a period of up to 7 years. This is allowable by statute and does not require re-bidding. This is what the District did with its existing contract with Touch America and InfoMine of the Rockies. Additionally, the District received services from Verizon under a State of Montana contract which was in force.

The SLC has on file all documentation related to this funding request.

This includes copies of contracts for InfoMine of the Rockies, Verizon (under a State of Montana)

Contact) and Touch America, Inc., as well as state statute related to Montana contract law.

Based on confirmation by SLC staff that existing contracts did not require a 470 filing this appeal is being forwarded to FCC staff for reconsideration of the SLC denial.

It is important to note that SLC staff over time provided differing directions. During the course of this filing the District has worked with not one contact but several - including Jason Johnson, Ali Razza, Dave Simpson, Loren Messina, and Tom Gill. All were very cordial but directives were not consistent.

Efforts must be made to insure consistent and correct advice is provided to applicants. While this is a valuable and worthwhile program which has benefited students and staff it is challenging and complex

5. Provide an authorized signature on your letter of appeal when you file your appeal by mail, by express delivery service, by hand delivery, or by facsimile.

Barbara Ridgway
Technology / Information Services Administrator
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55 South Rodney
Helena, MT 59601
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pndgwaya helena, k12.mt us

Cc: I

Bruce K. Messinger, Ph.D,

Superintendent

Kim Harris Business Manager

Helena Public School District No. 1

55 South Rodney Helena, MT 59601 406-447-8521

FAX

To: Schools and Libraries APPEALS Division

973-599-6542

From: Helena Public School District No. 1

55 South Rodney Helena, MT 59601

Authorized Contact: Barbara Ridgway

406-447-8521 phone 406-447-8567 fax

bridgway@helena.k12.mt.us

Re.: APPEAL - Funding Year 2002: 07/01/2002 - 06/30/03

Date: December 17, 2002